

*Citation for published version:*

Milner, S 2012, 'Towards a European labour market? Trade unions and flexicurity in France and Britain', *European Journal of Industrial Relations*, vol. 18, no. 3, pp. 219-234. <https://doi.org/10.1177/0959680112453989>

*DOI:*

[10.1177/0959680112453989](https://doi.org/10.1177/0959680112453989)

*Publication date:*

2012

*Document Version*

Peer reviewed version

[Link to publication](#)

## University of Bath

### Alternative formats

If you require this document in an alternative format, please contact:  
[openaccess@bath.ac.uk](mailto:openaccess@bath.ac.uk)

#### General rights

Copyright and moral rights for the publications made accessible in the public portal are retained by the authors and/or other copyright owners and it is a condition of accessing publications that users recognise and abide by the legal requirements associated with these rights.

#### Take down policy

If you believe that this document breaches copyright please contact us providing details, and we will remove access to the work immediately and investigate your claim.

# **Towards a European labour market? Trade unions and flexicurity in France and Britain**

**Susan Milner**

University of Bath, UK

## **Corresponding author**

Susan Milner, PoLIS, University of Bath, Bath BA2 7AY, UK

Email: S.E.Milner@bath.ac.uk

## **Abstract**

The EU's flexicurity approach to labour market policy promised advantages for trade unions but also posed challenges, given their weak situation in policy formulation at EU level and in many member states. This article explores the potential for union mobilisation on flexicurity and unions' capacity to influence policy debates and outcomes in two member states. In the UK, flexicurity has low political salience and unions' weakened voice has given them little capacity for mobilisation or influence, although they have linked flexicurity to campaigns on agency workers and restructuring. In France, unions have developed alternative proposals on making employment pathways secure and have succeeded in shifting debate towards these proposals rather than the Commission's flexicurity recommendations, although divergence between the positions of unions, employers and the state have limited outcomes to date. Unbalanced or instrumental application of flexicurity measures tends to erode rather than promote trust between social partners, in line with wider developments across member states. EU policies provide only weak leverage since trade unions' ability to influence labour market policy depends on their position within domestic institutions.

## **Keywords**

European Union, flexicurity, France, labour market policy, trade unions, UK.

## **Introduction**

For the past decade, flexicurity has been at the forefront of EU policy. For its advocates (European Expert Group, 2007; Muffels and Luijkx, 2008; Wilthagen and Tros, 2004), it offers a method for improving or creating new pathways out of unemployment, whilst also boosting social dialogue at European, national and even potentially local levels. It was seen as a bridge between opposing views on labour market policy in the globalized economy (Antoniades, 2008: 332). But for critics, flexicurity was narrow and unbalanced, increasing flexibility but reducing security (Burroni and Keune, 2011; Gray, 2009; Keune and Jepsen, 2007; Serrano Pascual, 2009); and the 'fragile consensus' (Mailand, 2010) on which it was based fell apart in the economic crisis. Although the Commission maintains that flexicurity provides the best way out of crisis, the social partners at EU level now appear divided and sceptical, and there is little impetus to take the agenda forward. Rather, the 'second phase of flexicurity' involves country-specific policy mixes with little or no direct reference to the original model (Mandl and Celikel-Esser, 2012).

The trajectory of the flexicurity approach to labour market policy is instructive. First, it highlights the differences between national industrial relations approaches and practices, not least the gulf which remains between east and west. Second, it raises important questions about the

nature, strength and salience of social partner involvement in European policy-making. Third, it draws attention to the ways in which EU-level policy affects trade unions' ability to influence domestic policy.

Official Community documents have presented flexicurity not only as a policy but as a method for building social trust and enabling complex trade-offs between flexibility and security through the 'active involvement of social partners' (EC, 2007b: 8). Where the necessary mechanisms for trust and dialogue are absent or weak, trade unions might be encouraged to learn from their counterparts in countries where such relationships prevail. Yet this is implausible. At national level, trade unions are not primary actors in the process but are largely dependent on the policy environment in their own country (Pedersini, 2008). In this, their strategies and responses are shaped by national 'modes of securitization' of labour market situations (Dufour and Hege, 2009). Overall, the balance of forces at both European and national level means that unions are largely following an agenda set by government and business. In a largely business-oriented policy framework, unions have difficulty making their voices heard and are largely dependent on adapting their own goals to those of governments and employer organizations. EU decision-making processes are deliberately depoliticized and technocratic, blocking effective trade union voice (Hyman, 2010), and the lack of demonstrable benefits of European-level engagement makes wider mobilization difficult (Gray, 2009). Nevertheless, it is argued here that the 'polysemic' nature of the flexicurity model (Serrano Pascual, 2009) and its weak governance architecture may give trade unions some ideational space within domestic policy debates.

In this article, I focus on union responses to the flexicurity agenda, starting with the European level and then presenting the cases of France and the UK. The analysis is based on a small number of interviews carried out in 2008-9 and in 2011 with the TUC (Trades Union Congress) and Unite in the UK, and the CGT (*Confédération générale du travail*) in France; with the Employment and Social Affairs directorate of the European Commission and the ETUC; and on policy documents, reports and published articles. The study is therefore exploratory, but it offers insights which could and should provide the basis for further research on other countries (see also Gwiazda, 2011), particularly at a time when the role of social partners in labour market reform has returned to the academic spotlight (Clegg and van Wijnbergen, 2011; Emmenegger et al., 2012).

The two countries provide useful insights because they represent different work and welfare regimes and therefore different flexicurity pathways, according to the EU's own recommendations (Viebrock and Clasen, 2009). Whilst the UK (with a large share of low-skilled workers and clear segmentation between low-paid and high-paid workers) might be expected to focus on skills and support for the working poor, France along with other 'continental' regimes would be seen as needing to promote both internal (workplace) flexibility and support for external or transitional flexibility. France and the UK represent most-different cases in the sense of location at opposite ends of the flexibility-security spectrum (Muffels and Liujkx, 2008: 138) --- though these classifications need to be treated with some caution. Although both countries are situated close to the middle of the security spectrum, they diverge significantly on flexibility (Pedersini, 2008a: 5).

## **The ETUC and flexicurity: 'how theory is not applied in practice'**

At its four-yearly congress in Athens in May 2011, the ETUC looked back on the progress of the flexicurity agenda and made its own counter-proposals for internal discussion. Over the period since 2007, the ETUC had moved from cautious support to opposition to the EU's flexicurity approach. Its initial ambivalence is largely explained by what it saw as a gap between the

principle of flexicurity ('genuine flexicurity') and the fact that it was 'not applied in practice' (ETUC press release, 1 April 2011).

Some affiliates could see advantages in emulating the Danish and other unions in promoting local bargaining to help ease transitions back into employment (ETUC, 2011a: 17). Moreover, the logic of social dialogue meant that the ETUC had an interest in trying to work with employers to improve the framework for flexicurity. At the very least, flexibility could be seen as 'better than nothing' as at least opening a forum for dialogue. The ETUC claimed some success in securing agreement with employers on the 2007 joint analysis (ETUC et al., 2007) and the social dialogue work programme, in which job security and employment security were seen as complementary, and internal flexibility received priority over external, forming the basis of the EU common principles adopted in 2007.

Yet the ETUC also emphasized fears of a 'one-size-fits-all' approach (2006) and an imbalance between flexibility and security in EU policy documents (2007a). In opposition to the Commission's emphasis on reforming standard forms of employment, it argued for protection for workers on non-standard contracts. In its response (2007b) to the Green Paper *Modernising and Strengthening Labour Law* it called for better protection for precarious workers, including and especially migrant workers; work-life balance policies for all workers; better enforcement of existing labour standards; and investment in social dialogue at all levels, as well as the training and active labour market policies promoted in the employability approach. As EU policy shifted increasingly towards promotion of flexible labour markets, and trade unions became increasingly marginalized in discussions of economic governance, the ETUC became more outspokenly critical, arguing (2011a: 18) that 'the Commission's approach to flexicurity changed completely' in 2008-9 with the onset of the financial crisis.

At the same time, the survey on national implementation of flexicurity commissioned as part of the social dialogue work programme showed that even in (Nordic) countries which had previously championed the approach, unions were struggling for a voice in debates about the future of labour market policy, while a majority of employers stated that their influence had increased during the economic crisis (Voss and Dornelas, 2011: 64). In both the domestic and European policy contexts, union confederations argued that flexicurity was being implemented in an unbalanced way. Yet the social partner survey still indicated high levels of support for the principle of flexicurity, with a majority of both employer and trade union respondents agreeing with that 'if implemented in a balanced and holistic way', the common principles can provide gains for both sides (Voss and Dornelas, 2011: 16). However, employers were more positive than unions, around a third of whom expressed disagreement; and views differed on specific aspects of flexicurity, with employers favouring contractual flexibility and unions emphasizing internal flexibility and measures to enhance the quality of work.

The survey indicated that the flexicurity approach has had very little impact on domestic labour markets. For example, in our two focal countries, OECD data show very little change in strictness of employment protection legislation (an indicator of flexicurity) over the period 2000-08: indeed, in both countries it increased slightly (Voss and Dornelas, 2011: 18). Moreover, key differences in expenditure on activation measures persisted: while France has far stricter employment protection than the UK, it also spends some eight times more on active rather than passive labour market measures (even though spending has fallen as a share of GDP in recent years).

This is not to suggest that flexicurity initiatives have had no resonance. The survey highlights a number of cases of 'good practice' reported by social partners, involving either labour market reform negotiated at national level or locally-based employment transition initiatives. Overall, however, the survey indicates trade union disillusionment about the way flexicurity is being implemented in practice, and concerns about a relative lack of attention to measures of internal flexibility and active labour market policy which could help to mitigate the impact of economic crisis. This is true for both countries examined here. In the French case, only

the CGT and CFDT replied (of five confederations contacted), with the CGT putting forward a local employment initiative as an example of good practice. No UK trade union replied, the TUC citing time pressures as a result of intense campaigning against public sector cuts.

According to the ETUC, even in countries which had pioneered the flexicurity approach, unions ‘really reject the word’ because of the absence of real, concerted follow-up (telephone interview, ETUC policy adviser, June 2011). Just as the social partners at national level argued that ‘it takes three to tango’ (Voss and Dornelas, 2011: 73) and bemoaned the weakness of government backing for social dialogue initiatives, the ETUC attributes the weakness of European social dialogue to the lack of political impetus from the Commission, since social dialogue operates effectively only ‘in the shadow of law’ (Falkner, 2000). At the same time, flexicurity still has ‘some value’ for the ETUC because it provides a space for the exchange of information and views across employers and unions, and across unions from different member states. Part of its alternative to austerity policies is a call for ‘genuine flexicurity’ (composed of internal flexibility measures within companies, and active labour market policies at national and local/regional level). ‘The member states with the strongest, most representative trade union movement, which are capable of combining determination to resist with a measure of genuine flexicurity are the benchmarks for the rest to match’ (ETUC, 2011b).

## **The UK: An outlier in European labour markets?**

The weakness of the flexicurity debate in the UK (Wild and Voss, 2011) is perhaps unsurprising, given the reluctance of successive UK government to embrace European employment and social policy (Daguerre and Taylor-Gooby, 2004). The absence of British employer and union representatives from the EU social partner survey (only the local government employers’ association responded) and from the country cluster seminars reflects the employer view that the UK labour market is already adequately regulated and that there is little scope for a concerted approach. Indeed, the Confederation of British Industry has campaigned for a reduction in Community competence over social and employment affairs (CBI, 2010). Moreover, there has been little political impetus from European level, as the European Commission has neither urged any specific initiatives to modernize labour law and nor explicitly used the term flexicurity in its policy recommendations to the UK, in line with its emphasis on flexibility rather than security.

The TUC policy officers interviewed for this study confirmed that the term flexicurity is ‘not used particularly’ or ‘not at all’ outside the European/international policy department. However, since the late 1980s the TUC has referred to European regulation of social rights in its own campaigning and in lobbying at the time of European Parliament elections. Working time, more specifically the European Working Time Directive, has provided a particularly important reference point for the TUC’s public campaigns, but European social policy represents a significant frame for other issues, notably rights for parents and carers and regulation of ‘atypical’ forms of working. The TUC campaign on the protection of vulnerable workers chimes with the priority given by the ETUC to strengthening the rights of temporary and migrant workers. Nevertheless, a sense of UK exceptionalism permeates both the wider framing of flexicurity but also the way the TUC itself views the concept: ‘our position is a bit different from that of trade unions in other EU countries because there is no labour code to erode’. There is no overall labour inspectorate, and the limited capacity of the Health and Safety Executive exacerbates unevenness of protection. Temporary working has high salience for British unions because in the UK it is exceptionally weakly regulated by OECD standards (Wild and Voss, 2011: 6) despite representing a relatively high proportion of the labour market (TUC, 2005, 2008).

Flexicurity is ‘controversial’ within the British union movement as it raises questions about the role of legislation. Preferring to focus on bargaining as the main vehicle for industrial

relations, most British unions resisted European legislation until the late 1980s when they were seriously weakened by government and employer hostility. However the issue remains divisive, and for some unions the flexicurity debate represents at best a diversion from the collective bargaining which should remain the main focus of activity, and at worst a means of undermining it.

The main forum for debate on flexicurity so far has been the House of Lords European committee discussion of the Commission's Green Paper on Modernising Labour Law. In its evidence (as in its own response to the Green Paper) the TUC argued, first, that flexicurity needs to build 'high trust, high skilled workplaces which are equipped to deal with the rapidly shifting challenges generated by increased globalization' (House of Lords, 2007: 52). TUC economist Richard Exell stated in his verbal response that flexibility at its best 'is all about high levels of workers' involvement in decision-making through collective bargaining and social partnership, high levels of training on emphasis on the high road to economic success, so training, investment, and going for high value added' (House of Lords, 2007: 25). The TUC argued strongly that labour market regulation did not mean lower employment, but rather less short-termism and higher productivity. The TUC also gave priority in its response to a plea for more and better regulation of agency workers. However, it emphasized that more EU regulation was not necessarily the best solution but rather, beyond core European labour standards, the protection of collectively bargained guarantees for workers at national level. In line with the Commission's emphasis on employment rather than job security, it advocated provision for better information and consultation of workers at times of restructuring and planned redundancies, rather than 'cornflake redundancies' where workers learnt of the loss of their job on the morning news (House of Lords, 2007: 72). Finally, it argued that flexibility implied better work-life balance.

Amicus, then the UK's second-largest union (since merged with the Transport and General Workers' Union to form Unite), also argued that labour law could best be modernized by strengthening collective bargaining (House of Lords, 2007: 108-10). Amicus was the only TUC-affiliate to respond to the 2007 Commission consultation on the Green Paper; it argued that the UK needs to promote a high-skills strategy for growth based on effective rights and collective bargaining for an inclusive and adaptable labour market. The response cited national and international research to support its argument that numerical and functional flexibility can best be achieved by investment in skills. As a specific example of good practice, Amicus pointed to the TUC's UnionLearn initiative, a government-funded programme supporting workplace union learning representatives, which was later cited by the EU social partners as the main example of good flexicurity practice in the UK (Wild and Voss, 2011: 11), as well as sectoral initiatives resulting in a trade-off between functional flexibility and upskilling, particularly in engineering and printing. In line with the TUC approach, Amicus emphasized the weakness of UK regulation of working time and conditions, and argued that unions have consequently an important role as 'the eyes of the regulator' in monitoring basic workplace standards. This latter argument frames flexicurity in terms of workplace industrial relations, which has the potential to align the British union position with what has been termed the 'local flexicurity' approach of Norway, where the individual rights of a highly flexible workforce are guaranteed through the action of collective (union) representatives (Hagen and Trygstad, 2009). The link between strong collective bargaining and a flexicurity approach to labour market policy is also seen by the TUC as a desirable characteristic of the 'Nordic' model of trade unionism, potentially offering an alternative strategy of renewal for British trade union movement weakened by the erosion of bargaining in the workplace (Wright, 2011).

However, the normative frame of labour market flexibility which dominated the House of Lords discussion and report continues to drive British policy. The TUC's voice in labour market policy debates remains weak despite decades of campaigning. The main exception was the unprecedented agreement with the CBI and the UK government in May 2008, to the effect that temporary agency workers would be entitled to equal treatment with directly-employed staff after

12 weeks in a given job. This meant an end to the UK government's blocking of long-standing Community proposals for an equal treatment directive for temporary agency workers (though not endorsing equal rights from the first day of employment, as demanded by the ETUC). The EU directive was adopted in November 2008, and the 2009 annual Trades Union Congress called for full implementation in the UK by spring 2010. However, implementation was delayed until October 2011, following adoption of a new regulation by Parliament in March 2010. Although unions welcomed the measure, they expressed disappointment at the UK's failure to implement the European directive in full by ensuring protection from the first day, thereby weakening its impact (BIS, 2009). The twelve-week qualifying period constituted a key factor in the current Con-Dem coalition government's decision to keep the regulations intact. The agency workers regulation thus highlights the tensions which have sparked academic and practitioner debates about the real impact of European employment and social policy on the UK: on the one hand, the transposition of the directive means that the principle of equal treatment for temporary agency workers applies for the first time; on the other, the way in which it has been applied means that its scope is severely limited.

To summarize, the EU initiative on flexicurity initially sparked a political debate about labour market regulation, and also encouraged trade unions to explore the link between collective bargaining and labour market policy. But the debate was confined to a narrow political forum and framed in terms both of a traditional suspicion of European regulation, and of a strong normative bias towards flexibility rather than security. Overall, this had the consequence of both narrowing the public debate and marginalizing the trade unions' contribution to it. The TUC for its part attempted to link flexicurity to its own campaign demands, but European issues continue to have little resonance in wider campaigning, and there is little evidence of any desire on the part of affiliated unions to push forward the flexicurity agenda. Unions remain divided on whether European rights erode free collective bargaining. Any European initiatives tend to be contested by the CBI and even if adopted their scope is limited by the conditions set during transposition. Perhaps most fatally, unions fighting the deepest public sector cuts since the 1920s perceive the European policy arena as little more than a distraction (interview, Unite, June 2011).

## **France: An ambiguous Europeanization of debates on labour market reform**

In France, unlike Britain, the term flexicurity has been central to debates around labour market policy, but the term itself quickly became discredited and replaced by others, notably 'secure employment pathways' (Arnould-Brill, 2007; Davy, 2012). Although its entry into the domestic debates may be seen to reflect the impact of sustained EU policy recommendations to reform labour contracts (EC, 2009: 26), the decisive factor appears to be a deliberate policy approach by the domestic political executive. President Sarkozy and his prime minister François Fillon expressed an interest in the flexicurity approach in 2006-7 when the former was presidential candidate and the latter his policy advisor. The new government's decision in May 2007 to champion this labour market reform strategy is said to have decisively enabled the adoption of the EU common flexicurity principles (Mailand, 2010: 246).

European policy framing has high salience in France, as policy-makers use it as leverage in domestic reform initiatives. On the other hand, domestic reference to European policy frames creates a certain amount of suspicion and allows opponents to reject them as inapplicable to the French context. Whilst political leaders have couched their reform initiatives in EU policy frames, specific measures conforming to EU recommendations have tended to fail. Political positioning on such initiatives reflects the weakness of policy consensus between government, employers and unions. Although France has incorporated the objectives of the European

Employment Strategy (EES) into its policy discourse and agenda, therefore, it has done so ‘in a peculiar (French) way’ (Graziano, 2011: 595). Adaptation has depended on the ideology of the political executive and on trade unions’ willingness to negotiate (Clegg and van Wijnbergen, 2011; Fayolle, 2008; Graziano, 2011; Milner, 2005; Zirra, 2010).

Aside from the European policy context, flexicurity has relatively high salience in France because debate around labour market protection has been at the forefront of domestic policy concerns since the 1980s. A survey of leading French newspapers showed an increase in references to the term ‘flexicurity’ from eight in 2004 to 52 in 2005, 110 in 2006 and 213 in 2007 (Damon, 2009: 21). Well before the Commission’s 2007 Green Paper and recommendations on flexicurity, a series of a top-level reports commissioned by the government framed the debate in terms of a trade-off between security of individual employment contracts and guaranteed rights to social security benefits, largely defined as active labour market measures aimed at improving employability (Gautié, 2006; Grimault, 2008; Lefresne, 1999). The unions took up the recommendations and, from the mid-1990s, developed their own proposals around the idea of making discontinuous employment paths more secure. However, they responded in different ways. For reasons of space, this article focuses on the two largest confederations, CGT and CFDT; on the position of other confederations, see Grimault, 2008, 2009a.

The largest confederation, the CGT, put forward the idea of a new type of employment relationship based not on individual employment contract but a universal status of employee providing the basis for *sécurité sociale professionnelle* (which can be roughly translated as ‘occupational and employment security’) across the public and private sectors (CGT, 2003; Friot, 2009). At its 49th congress in December 2009, the first resolution reaffirmed the confederation’s commitment to ‘new collective guarantees’ to make employment more secure, under the general heading of *sécurité sociale professionnelle*: a new mutualized fund to cover benefits for young and first-time job-seekers, and to guarantee the maintenance of employment contract and salary for workers in periods of transition between jobs, as well as new local agencies to supervise redundancy plans and manage collective funds for redeployment and retraining (CGT, 2009). However, the idea *sécurité sociale professionnelle* still remains underdeveloped, as it has not translated into either a full set of proposals for new social security rights, or a concrete bargaining agenda. It remains a leadership initiative which has not spread throughout the confederation (interview, CGT national secretary, May 2009) and indeed is contested at local level in many areas, because of its association with a reformist agenda of collective bargaining promoted by confederal leaders (Piotet, 2009: 23). The ambiguities of the CGT approach to flexicurity thus reflect its transition from ‘class and mass’ mobilization to a more differentiated approach including collective bargaining at all levels.

The second largest confederation, the CFDT (*Confédération française démocratique du travail*), put forward its own proposal for *sécurisation des parcours professionnels* (‘making employment pathways secure’), which subsequently became the most influential concept in French labour market debates. In its emphasis on the role of the union as accompanying social and economic change in the context of business restructuring, the CFDT distinguished its own position from that of the CGT conception of universal legal rights for workers. The CFDT identified three major aspects of workplace support for employees faced with business restructuring: forward planning of employment and skills, individual rights to redeployment and support for employee mobility, as well as state industrial policy and social dialogue (Jalmain, 2003; Karvar, 2005).

The CFDT, in contrast to the CGT, emphasises national-level bargaining with employers, which it defines as ‘social deliberation’. In this its policy is heavily influenced by its role within the tripartite unemployment insurance fund (which it chairs) and more broadly within the management of the social security system. This policy culminated in an agreement on ‘modernising the labour market’ signed in January 2008 between three employers’ organizations and four of the recognised representative union confederations --- but not the CGT. The



agreement established more flexible conditions for recruitment of workers and termination of employment, but maintaining some employee rights on termination of the employment contract. However, the success of this strategy was soon eroded when other unions refused to sign follow-up agreements on training and unemployment insurance, leaving the CFDT stranded. Although the 2008 agreement, heralded as ‘flexicurity *à la française*’, not least because the government presented it in these terms (Brunhes, 2008; Chaussard and Dayan, 2009; Fabre et al., 2008; Gaudu, 2008), appeared to demonstrate a consensual, bargained process, in reality it disguised significant differences between the union positions, reflecting entrenched union identities and industrial relations structures which tend to favour union competition rather than cooperation (Grimault, 2008, 2009a). The CGT (2008) argued that it was weighted too heavily towards flexibility. The CFDT was the only confederation to sign the January 2009 agreement on unemployment insurance, rendering it ineffective in practice although legally valid. Although common ground exists --- the major confederations agree on the need for a renewed industrial policy at national and European level, on the need to set down individual rights to retraining and redeployment instead of redundancy, and on the principle of transferability of social rights --- the lack of agreement between the main confederations has effectively blocked the CFDT from taking the bargaining agenda forward; and by the time of its 2010 congress it acknowledged the limits of its reformist, negotiating strategy (CFDT, 2010a).

The Sarkozy government appropriated the CFDT’s language of secure employment pathways, and Sarkozy even used the CGT’s term *sécurité sociale professionnelle* to mean something quite different: new forms of short-term contract (Sarkozy, 2005). The same terminology was thus being deployed to support conflicting approaches to labour market policy (Lefresne, 2006). However, when Sarkozy referred his proposal for a single labour contract to the social partners, in line with the 2007 law on the modernization of social dialogue, the unions formed a united front and made clear their opposition to any attack on the present contractual arrangements (in line with the broad ETUC position, as French commentators noted) (Fabre et al., 2008: 16). Curiously, the employers’ lobby did not align with the government position, preferring to focus on ‘separability’ between work and non-work (and making it easier to hire and fire) which presumably aimed to oppose the union idea of easing transitions. Moreover, the main employers’ organization, MEDEF (*Mouvement des entreprises de France*) rejected the single contract idea as formulated by government, and instead indicated willingness to develop new proposals to introduce very short-term portfolio contracts and trial employment contracts. The employers’ reluctance to frame the discussion in terms of flexicurity meant the absence of any real common ground between contracting parties. Unions and employers took up different positions within the social dialogue, each using different terminology.

The social partners’ agreement of January 2008 and the legislative follow-up surprised many commentators who expected to see more emphasis on flexibility of employment contracts and more precise measures to support the general principles of transferable rights and assistance for redeployment (Fabre et al., 2008; Kramartz, 2008). The form of ‘French-style flexicurity’ contained in the agreement is a curious mixture of flexibility and security which does consist of a series of trade-offs within a context of negotiation, but in a rather unbalanced and unsystematic way which reinforces the incrementalism and complexity of French labour market regulation. Redundancy protection is made slightly more flexible, but by allowing a shift away from law to collective bargaining (Fabre et al., 2008). Without follow-up at any level, ‘French-style flexicurity’ --- in the sense that the political executive had sought to promote --- ran aground.

However, in the wake of the 2008 agreement, consensus emerged around proposals on secure employment pathways framed in terms of retraining and redeployment, with the January 2009 social partner agreement (signed by all the major trade union confederations except FSU and SUD) leading to the creation in March 2010 of the *Fonds paritaire de sécurisation des parcours professionnels* (FPSPP, National Fund for Secure Employment Pathways). The fund, managed on a bipartite basis with the CGT as chair and MEDEF as vice-chair, redeployed

existing national and regional vocational training funds to focus on training of young and unskilled unemployed people. Despite a difficult start marked by disagreements between the social partners and the government over the latter's financial commitment to the fund, the FPSPP nevertheless marked a renewed phase of bargaining between the social partners around the trade unions' agenda of secure employment pathways, which brought the CGT and CFDT closer together in support of labour market integration of unemployed youth (Clegg and van Wijnbergen, 2011). It also formed a basis for debates on training policies and labour market activation in the 2012 presidential election (Groupe Alpha, 2012). Whilst the incumbent president Sarkozy proposed a complete overhaul of vocational training and promised to submit his plans to a referendum if the social partners failed to reach a solution, the successful candidate François Hollande made secure employment pathways (using the vocabulary of the social dialogue) one of his sixty campaign promises, pledging to convene a national employment and social policy summit with the social partners in the summer of 2012 and to use state funds to boost retraining funds. The social partners for their part made clear that secure employment pathways formed part of an agenda of (bipartite) social dialogue distinct from tripartite social policy-making (see for example interview with CFDT general secretary François Chérèque, *Libération*, 30 April 2012).

The outcome of the social dialogue process therefore demonstrates the difficulties of negotiating flexicurity in the absence of high-trust relations, particularly given the initial instrumentalization of European policy by the political executive. It confirms the ambiguous Europeanization of labour market policy in France, whereby European policy acts as a trigger for debate in the domestic political space (Voss and Dornelas, 2011: 84) but does not decisively influence outcomes. Trade unions have demonstrated their capacity to influence policy debates through academic, media and public opinion, and (defensively and negatively) through formal channels of dialogue such as tripartite and bipartite funds, and through the national bargaining process with the main employer associations. In turn, the bargaining process has encouraged a repositioning of the major trade union confederations, with the two largest, CGT and CFDT, moving closer together on labour market policy (as in other respects). The union debates about flexicurity (albeit under another name) have formed part of their ongoing process --- difficult, fragmentary, slow and uneven --- of renewal and recomposition.

## Conclusion

This brief overview of trade union debates on flexicurity and their contribution to national policy debates on labour market reform has sought to ascertain, on the basis of two national cases and in the context of the European social partner survey of members, whether unions been able to respond to the flexicurity agenda and how differences in the level and nature of union mobilization might be understood.

It is apparent that the flexibility approach offers some advantages which trade unions have been willing to explore in their internal debates and, where the opportunity presents itself, in negotiations with employers. Trade unionists from both France and the UK readily spoke of the benefits of a Nordic approach to economic restructuring based on flexible transitions and supported by high levels of short-term social protection. Early promotion of flexicurity by Danish unions, under the auspices of the ETUC, was mentioned in interviews by both British and French respondents as having raised awareness and opened possibilities of emulation. This highlights the potential for mutual learning, including formally through the ETUC, as a form of Europeanization of union activity (Hoffmann and Hoffmann, 2009). However, in practice trade unionists report strong distrust and scepticism about the future of the flexicurity approach. French and British trade unionists argue that flexicurity cannot be applied across member states because it requires previously existing high-trust relations and a bargaining culture, and cannot be used to promote

such a culture where none already exists (interview with international officer, Unite, January 2011).

At European level, the lack of demonstrable outcomes has led to doubts about the usefulness of the approach. Moreover, the application of the flexicurity approach to European policy and national labour market recommendations has had the effect of eroding trust and polarizing positions at both European and national levels. It is therefore difficult to see how flexicurity can provide a useful policy framework in future, in the absence of engagement by either the Commission or social partners in order to strengthen the link between flexicurity as content and as method. This would require for example more systematic linkage of national social dialogue to reporting in national reform programmes as well as to European social dialogue. On the other hand, flexicurity has had the value of at least encouraging dialogue and generating an exchange of information and views. Moreover, there is at least potential for further learning through linking local, national and European campaigns. In other words, the value of flexicurity may be seen less in terms of specific policy outcomes or more general policy convergence than as a discursive and deliberative tool.

This brief overview has focused on two very different countries in terms of their location on the flexibility-security scale. Accepting the fit-misfit thesis to explain and predict the impact of European policies, we would expect to see strong pressures for Europeanization of domestic policy in both countries, but along different axes: in France, towards greater flexibility and in the UK, increased worker security as a counterpart to flexibility. However, our comparative analysis has highlighted the extent to which domestic policy debates are structured by existing state-market-society relations and institutional practices, as well as by attitudes towards European integration both as a political and as a socio-economic project. In the UK case, the institutional and ideological weakness of trade unions in relation to the employers' organizations, coupled with political resistance to Europeanization of labour market policy, has drastically reduced any leverage capacity for unions. In any case, the European Commission approach, which has focused on the flexibility dimension of flexicurity, has narrowed the available space for mobilization. In France on the other hand the political executive has used the European policy space as a lever for domestic policy reform, but the incoherence of institutional relations between state, employers and unions has prevented policy change and led to an ambiguous and somewhat confused exchange of ideas.

In neither country is the term flexicurity widely used; nor have EU recommendations found their way into domestic debates or initiatives. The intensity of debates around secure employment pathways in France results from domestic initiatives, whilst the term flexicurity is viewed with suspicion if not outright hostility. For some commentators, the EU proposals serve only to confuse domestic debates, and flexicurity is simply a product of the weakness of EU employment regulation (Lefresne, 2008).

Two main approaches to explaining the domestic salience of flexicurity have been identified in the literature: the first relating to domestic party politics, the second emphasizing the importance of domestic industrial relations structures. Gwiazda (2011) suggests that the key variable is the ruling party's support for European integration, rather than left-right party politics, whilst Mailand (2010) in contrast suggests that degree of support for integration is not the key variable but that political leadership is crucial. The cases presented here confirm that party-political factors may certainly be an explanatory variable relevant to the initial salience of flexicurity. However, industrial relations institutions and practices (Pedersini, 2008) may be more helpful in explaining the outcome of flexicurity debates, as in the French case. In Belgium, too, it has been suggested that although pro-European leadership ensured that the flexicurity approach found resonance in political debate, union distrust meant that the concept failed to make headway (Conter and Berthet, 2011).

In the case of flexicurity, European policy has failed to resonate with national regulation of employment and labour market policy, other than by the action of purposive political actors

who have attempted to use the European policy as leverage in domestic policy-making. This may not apply across all areas of employment policy, but the study sheds light on the weakness of vertical and horizontal linkages of European policy-making and the continued ‘stickiness’ of national industrial relations institutions.

## Acknowledgements

I thank Marten Keune for discussions at an early stage of this research, and all the trade union and European Commission officials who gave their time to talk to me. I am also grateful to Richard Hyman and two anonymous reviewers for their helpful advice on the first version of this article.

## References

- Amicus (2007) *Amicus Response on EC Green paper*.  
<http://www.dodsdata.com/Resourses/epolitix/Forum%20Microsites/Amicus-Unite/Final%20Draft130307%20rj.pdf>
- Antoniades A (2008) Social Europe and/or global Europe? Globalization and flexicurity as debates on the future of Europe. *Cambridge Review of International Affairs* 21(3): 327-46.
- ARF (Agence Régionale pour la Formation, Poitou-Charentes) (2010) *Bibliographie: Sécurisation des parcours professionnels*. La Rochelle: ARF.
- Arnoult-Brill E (2007) *Sécurisation des parcours professionnels*: Paris: Conseil économique et social. <http://www.ladocumentationfrancaise.fr/var/storage/rapports-publics/074000392/0000.pdf>
- BIS (Department of Business Innovation and Skills) (2009) *Agency Workers Directive Consultation: Summary of Responses*. London: BIS.
- Brunhes B (2008) La réforme du dialogue social: les petits plats avant les mutations en profondeur? *Droit Social* 4: 403-405.
- Burroni L and Keune M (2011) Flexicurity: A conceptual critique, *European Journal of Industrial Relations*. 17(1): 75-91.
- Chaussard Y and Dayan J-L (2009) La ‘flexicrité’ est-elle une réponse à la crise? *La Note de Veille* 130: 1-8.
- Clauwaert S (2011) 20 years of European interprofessional social dialogue: Achievements and prospects. *Transfer* 17(3): 269-79.
- Clegg D and van Wijnbergen C (2011) Welfare institutions and the mobilization of consent: union responses to labour market activation in France and the Netherlands, *European Journal of Industrial Relations* 17 (4): 334-48.
- CFDT (2010a) *Rapport d’activité 2006-10*. Paris: CFDT.
- CFDT (2010b) *Reconstruire l’avenir avec les salariés. Projet de résolution*. Paris: CFDT.
- CGT (2003) *Solidaires pour de nouvelles conquêtes sociales, Résolution du 47e Congrès*. Paris: CGT.
- CGT (2008) *Modernisation du marché du travail: la CGT prend les dispositions pour informer les salariés du contenu de l’accord*. <http://www.fnte.cgt.fr/IMG/pdf/modernisation-2.pdf>
- CGT (2009) *Document d’Orientation, 49e Congrès*. Paris : CGT.
- CBI (2010) *Making Britain the place to work. An employment agenda for the new government*. London: CBI.

- Conter B and Bertet T (2011) Flexicrité : de l'émergence d'un concept à sa traduction en Belgique et en France. Unpublished paper for Réseau francophone des associations de science politique, Brussels, April.
- Daguerre A and Taylor-Gooby P (2004) Neglecting Europe: Explaining the predominance of American ideas in New Labour's welfare policies since 1997, *Journal of European Social Policy* 14(1): 25-39.
- Damon J (2009) *Questions sociales: analyses anglo-saxonnes. Socialement incorrect?* Paris: PUF.
- Dufour C and Hege A (2009) Les syndicats face aux processus d'insécurisation des statuts d'emploi. In Bérout S and Bouffartigue P (eds) *Quand le travail se précarise, quelles résistances collectives?* Paris: La Dispute, 77-89.
- Davy F (2012) *Sécuriser les parcours professionnels par la création d'un compte social universel. Rapport remis au Ministère du travail, de l'emploi et de la santé.* Paris: La Documentation Française.
- Emmenegger P, Häusermann S, Palier B and Seeleib-Kaiser, M (eds) (2012) *The age of dualization. The changing face of inequality in deindustrializing societies.* Oxford: Oxford University Press.
- European Commission (EC) (2007a) *Employment in Europe 2007.* Luxembourg: Office for Official Publications.
- EC (2007b) *Towards common principles of flexicurity. More and better jobs through flexibility and security*, COM(2007)359 final. Brussels: EC.
- EC (2007c) *Flexibility pathways. Turning hurdles into stepping stones.* Final report of the European Expert Group on Flexicurity. Brussels: EC.
- EC (2008) *Mission for Flexicurity. Visit in France, 19 May 2008.* Summary Report. Brussels: EC.
- EC (2009) *Recommendation for a Council Recommendation on the 2009 up-to-date broad guidelines for the economic policies of the Member States and the Community, and on the implementation of Member States' employment policies*, 28.1.09 COM (2009) 34 final, Vol I. Brussels: EC.
- EC (2010) *EUROPE 2020 - A strategy for smart, sustainable and inclusive growth*, 3.3.2010 COM (2010) final. Brussels: EC.
- European Expert Group on Flexicurity (2007) *Flexicurity pathways: Turning hurdles into stepping stones.* [ec.europa.eu/social/BlobServlet?docId=1519&langId=en](http://ec.europa.eu/social/BlobServlet?docId=1519&langId=en)
- ETUC (2006) *Memorandum to the Finnish Presidency of the European Union.* Brussels: ETUC.
- ETUC (2007a) *The flexicurity debate and the challenges for the trade union movement.* Brussels: ETUC.
- ETUC (2007b) *Response to the Consultation of the Social Partners on the European Commission's Green Paper on Modernising and Strengthening Labour Law for the 21st Century.* Brussels: ETUC.
- ETUC (2011a) *Activity report 2007-2011.* Brussels: ETUC.
- ETUC (2011b) *Towards a European Labour Market? Discussion paper.* Brussels: ETUC.
- ETUC, BusinessEurope, UEAPME and CEEP (2007) *Key Challenges Facing European Labour Markets: A joint analysis of European Social Partners.* Brussels: Social Partners.
- Fabre A, Lefresne F and Tuchsirer C (2008) L'accord du 11 janvier 2008 sur la modernisation du marché du travail: une tentative d'évaluation. *Revue de l'OFCE* 107: 5-28.
- Falkner G (2000) The Council or the social partners? EC social policy between diplomacy and collective bargaining, *Journal of European Public Policy* 7(5): 705-24.
- Fayolle J (2008) Diagnostics et réformes en France. *Revue de l'IREs* 58(3): 167-91.
- Friot B (2009) La revendication d'un nouveau statut du travail salarié à la CGT: enjeu d'unification du salariat? In Bérout S and Bouffartigue P (eds) *Quand le travail se précarise, quelles résistances collectives?* Paris: La Dispute, 315-32.

- Gaudu F (2008) De la flexibilité à la sécurité professionnelle: l'emploi entre mobilité et stabilité. *Formation Emploi* 101: 71-88.
- Gautié J (2006) Flexibilité et/ou sécurité: la France en quête d'un modèle. *Cahiers Français* 330: 91-4.
- Gray A (2009) Flexicurity: solution or illusion? In Gold M (ed.) *Employment Policy in the European Union: Origins, Themes and Prospects*. Basingstoke: Palgrave, 54-78.
- Graziano P (2011) Europeanization and domestic employment policy change: Conceptual and methodological background. *Governance* 24(3): 583-605.
- Grimault S (2008) Sécurisation des parcours professionnels et flexicurity: analyse comparative des positions syndicales. *Travail et Emploi* 113: 75-89.
- Grimault S (2009) France: Flexicurity and industrial relations, *EIROOnline*. <http://www.eurofound.europa.eu/eiro/studies/TN0803038s/fr0803039q.htm>.
- Groupe Alpha (2012) *Propositions des candidats concernant la formation professionnelle*. <http://groupealpha.wordpress.com/education-et-formation/#analyse>.
- Gwiazda A (2011) The Europeanization of flexicurity: The Lisbon Strategy's impact on employment policies in Italy and Poland. *Journal of European Public Policy* 18(4): 546-65.
- Hagen IM and Trygstad SC (2009) Local flexicurity: resolving the conflict between direct and representative participation. *Transfer* 15(4): 557-77.
- Heyes J (2011) Flexicurity, employment protection and the jobs crisis. *Work, Employment and Society* 25 (4): 642-57.
- Hoffmann J and Hoffmann R (2009) Prospects for European industrial relations and trade unions in the midst of modernization, Europeanization and globalization. *Transfer* 15(3): 389-417.
- House of Lords European Union Committee (2007) *Modernising European Union labour law: Has the UK anything to gain?* Report with Evidence, Twenty-Second Report of Session 2006-7. London: HMSO.
- Hyman R (2010) Trade unions and 'Europe': Are the members out of step? *Industrial Relations – Relations Industrielles* 65(1): 3-29.
- Jalmain M (2003) Emploi et sécurisation des parcours professionnels. *La Revue de la CFDT* 58: 18-20.
- Karvar A (2005) Face à l'insécurité sociale: Imaginer de nouvelles garanties. *Cadres-CFDT* 414: 51-62.
- Keune M and Jepsen M (2007) Not balanced and hardly new: The EU's quest for flexicurity. *Working Paper* 2007: 1. Brussels: European Trade Union Institute.
- Kramartz F (2008) Marché du travail: un accord historique? *Telos*. [http://www.telos-eu.com/fr/article/marche\\_du\\_travail\\_un\\_accord\\_historique](http://www.telos-eu.com/fr/article/marche_du_travail_un_accord_historique)
- Lallement M (2011) Europe and the economic crisis: forms of labour market adjustment and varieties of capitalism. *Work, Employment and Society* 25(4): 627-41.
- Lefresne F (1999) Employability at the heart of the European employment strategy. *Transfer* 5(4): 460-80.
- Lefresne F (2006) Le contrat de travail en question. *Regards sur l'Actualité* 324: 45-56.
- Lefresne F (2008) Les perspectives d'un marché du travail européen. *Futuribles* 347: 5-24.
- Mailand M (2010) The common flexicurity principles: How a fragile consensus was reached. *European Journal of Industrial Relations* 16(3): 241-57.
- Mandl, I and Celikel-Esser, F (2012) *The second phase of flexicurity: An analysis of practices and policies in the Member States*. Dublin: European Foundation.
- Milner S (2005) Protection, reform and political will: France and the European Social Model. In Drake H (ed.) *France and the European Union*. London: Routledge, 105-23.

- Muffels RJA and Luijkx R (2008) Male labour market mobility and income and employment security in Europe, in Muffels R (ed.) *Flexibility and employment security in Europe. Labour markets in transition*. Cheltenham: Edward Elgar, 133-67.
- Pedersini, R (2008) *Flexicurity and industrial relations*. Dublin: European Foundation.  
<http://www.eurofound.europa.eu/docs/eiro/tn0803038s/tn0803038s.pdf>
- Piotet F (2009) La CGT, une anarchie plus ou moins organisée? *Politix* 22(1): 9-30.
- Sarkozy N (2005) Retrouvons le plein-emploi grâce à la Sécurité sociale professionnelle. *La Tribune*, 12 December.
- Serrano Pascual A (2009) The battle of ideas in the European field: The combat to defeat unemployment and the struggle to give it a name. *Transfer* 15(1): 53-70.
- Simms M (2008) *United Kingdom: Flexicurity and industrial relations*, *EIROOnline*.  
<http://www.eurofound.europa.eu/eiro/studies/TN0803038s/uk0803039q>
- Tangian A (2007) *Is flexible work precarious? A study based on the 4th European Survey of Working Conditions 2005*. WSI-Diskussionspapier 153. Düsseldorf: Hans-Böckler-Stiftung.
- TUC (2005) *The EU temp trade: Temporary agency work across the European Union*. London: TUC.
- TUC (2008) *Hard work, hidden lives. The full report of the Commission on Vulnerable Employment*. London: TUC.
- Viebrock E and Clasen J (2009) *Flexicurity: a state of the art review*. Working Papers on the Reconciliation of Work and Welfare in Europe, Network of EC Sixth Framework Programme, REC-WP01/2009.
- Voss E and Dornelas A, with Wild A and Kwiatkiewicz A (2011) *Social Partners and Flexicurity in Contemporary Labour Markets: Synthesis Report*. Brussels: Social Partners.
- Wild A and Voss E (2011) Joint Study of the European Social Partners on 'The Implementation of Flexicurity and the Role of the Social Partners'. National Fiche: United Kingdom. Brussels: Social Partners.
- Wilhagen T and Tros F (2004) The concept of 'flexicurity': A new approach to regulating employment and labour markets. *Transfer* 10(2): 166-87.
- Wright C (2011) Unions, Collective Bargaining and Industrial Relations project. *TUC Research Bulletin* 2: 1-10.
- Zirra S (2010) The bounded creativity of domestic appropriation: Explaining selective flexicurity in continental countries. *Les Cahiers Européens de Sciences Po* 2.

### Author biography

**Susan Milner** is Reader in the Department of Politics, Languages and International Studies at the University of Bath, UK.